UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1997/NGO/63
18 March 1997

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-third session
Agenda item 18

ADVISORY SERVICES IN THE FIELD OF HUMAN RIGHTS

Written statement submitted by Human Rights Watch, a non-governmental organization in specialconsultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[6 March 1997]

Advisory Services for Guatemala

1. Human Rights Watch strongly recommends that the Commission on Human Rights renew the mandate of its independent expert on Guatemala and develop an effective programme of advisory services for Guatemala.

2. The Commission on Human Rights has been examining the human rights situation in Guatemala since 1979. Between 1982 and 1986, the Commission assigned Guatemala a special rapporteur, placing it in the category of the world's most serious human rights offenders. After a civilian Government was established in 1986, the Commission moved the consideration of Guatemala to the category of advisory services, to offer advice in improving the human rights situation. As serious human rights violations persisted even under civilian Governments, the Commission in 1990 approved the appointment of an "independent expert" for Guatemala - who would continue to provide advisory services but would also prepare a detailed public report on the human rights situation.

3. The Commission on Human Rights has had a tremendous impact on human rights conditions in Guatemala, particularly since the first appointment of an independent expert in 1990. In addition to accurate reporting on human rights violations, the experts have consistently offered recommendations for reform directed at the underlying structural issues which produced abuses. Several of the most important recommendations made through the years by independent experts Christian Tomuschat and Monica Pinto have been implemented by successive Guatemalan Governments, including the dissolution and disarming of military commissioners and civil patrollers - groups of civilians organized by the army to gather intelligence and responsible for a systematic pattern of grave human rights violations - and the establishment of civilian court jurisdiction over human rights violations (although legislation changing jurisdiction currently faces a challenge in the Constitutional Court). Many other recommendations have been partially implemented, such as the demilitarization of the Presidential General Staff (Estado Mayor Presidencial), or agreed to in the context of peace accords, such as the establishment of a civilian intelligence service and the reform of the police. Much remains to be done to carry out other important recommendations, such as the strengthening of the office of the Human Rights Ombudsman, and the provision of basic social and economic services to the whole population. It is vital that the Commission on Human Rights continue monitoring and reporting on implementation of these recommendations to consolidate the reforms initiated and to prevent further abuses.

4. Since November 1994, Guatemala has benefited also from the arrival of the United Nations verification unit known as MINUGUA, deploying scores of human rights observers throughout the country. The roles of the independent expert and MINUGUA have complemented each other. While MINUGUA has provided the kind of reliable, solid case verification that is the strength of an on-site mission, the independent expert has retained a strong voice on the political and judicial mechanisms which must be strengthened or reformed to eradicate human rights violations and create a judiciary capable of providing a remedy for victims.

5. Under the recently completed peace process, Guatemala has taken on a tremendous number of complicated and ambitious new commitments relating to civil and political, as well as economic, social and cultural rights. Many of these commitments reflect recommendations made by United Nations independent experts over the past seven years. These new commitments hold tremendous promise for ending what have at times appeared to be endemic human rights violations. However, if the commitments are not fulfilled, dashed expectations and lost momentum could produce a rapid disintegration. It is vital that the international community - and particularly the United Nations - maintain close monitoring and assistance programmes as Guatemala attempts to meet these new obligations. With its impressive record of accomplishments in Guatemala thus far, the Commission is well positioned to continue playing this monitoring and advisory role. Any lessening of United Nations monitoring at this delicate moment would be counterproductive to the consolidation of the peace process.

6. This year, for the first time in many years, Guatemala does not face the possibility of being assigned a special rapporteur, a reflection of the Commission's confidence that the Government of President Alvaro Arzú Irigoyen

is committed to the reforms necessary to improve the human rights situation. Indeed the first year of President Arzú's Government has been marked by a number of important and bold initiatives in human rights, as well as the conclusion of peace talks bringing to an end more than three decades of internal armed conflict. The politically-motivated human rights violations that had become part of the landscape in Guatemala - torture, extrajudicial executions, and disappearances - have become the exception rather than the norm. That these measures have not yet brought an end to non-political violence by the security forces or to the habitual impunity enjoyed by human rights violators underscores the need for continued international scrutiny.

7. Because the Arzú Government has shown a commitment to reform, Human Rights Watch urges the Commission on Human Rights to make more effective the technical assistance portion of the expert's mandate this year, while continuing the public reporting aspect to help measure progress.